

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LORETTA POLLARD,

Plaintiff,

v.

USDC Case No. 2025 -

Hon. _____
Lower Court No. 2025-000841-NO

HOBBY LOBBY STORES, INC.,

Defendant.

TODD J. STEARN (P51496)
JOSEPH B. GALE (P79049)
Law Offices of Todd J. Stearn, P.C.

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ANSWER TO COMPLAINT, AFFIRMATIVE DEFENSES AND JURY DEMAND

NOW COMES Defendant HOBBY LOBBY, by and through its attorneys, Plunkett Cooney, and in response to Plaintiff's Complaint, state as follows:

1. No Contest.

2. Defendant acknowledges that it has a resident agent located at 3410 Bell Chase Way, Suite 600, Lansing, MI 48911. However, Defendant is an Oklahoma entity.

3. Defendant's deny Plaintiff has pled a viable cause of action.
4. Defendant's deny Plaintiff has pled a viable cause of action.
5. Defendant objects to this allegation as it calls for a legal conclusion. Without waiving the objection Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegation and, accordingly, Defendant neither admits nor denies the allegation.

6. Defendant admits those duties imposed are the laws of the State of Michigan and denies breaching same.

7. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegation and, accordingly, Defendant neither admits nor denies the allegation.

8. Defendant denies the allegations contained therein as same are untrue.

9. Defendant denies the allegations contained therein as same are untrue.

10. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegation and, accordingly, Defendant neither admits nor denies the allegation.

11. Defendant admits those duties imposed are the laws of the State of Michigan and denies breaching same inclusive of subparagraph (a) through (i).

12. Defendant denies the allegations contained therein as same are untrue inclusive of subparagraph (a) – (f).

13. Defendant denies the allegations contained therein as same are untrue.

14. Defendant denies the allegations contained therein as same are untrue inclusive of subparagraph (a) – (f).

WHEREFORE Defendants request this Honorable Court enter a judgment of no cause for action and award costs and attorney fees so wrongfully sustained in defending this litigation.

PLUNKETT COONEY

BY: /s/Michael D. Weaver
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Date: February 18, 2025

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AFFIRMATIVE DEFENSES

NOW COMES Defendant, HOBBY LOBBY, by and through its attorneys, Plunkett Cooney, and submit the following as its Affirmative Defenses which may be used at the time of trial of this matter:

1. Plaintiff's complaint is barred in that it is pled as premises liability as opposed to negligence.
2. Plaintiff's claim is barred by the applicable statute of limitations.
3. Plaintiff fails to state a claim in which relief can be granted.
4. Plaintiff's damages, if any, are the result of acts or omissions of a third party either identified or not yet identified in this litigation. Plaintiff is on notice that it may file a notice of non-party at fault.
5. To the extent that Plaintiff's acts and omissions exceed 51% cause of the incident, that will be relied upon as a defense barring Plaintiff's complaint in whole or in part.
6. Plaintiff failed to mitigate the damages.
7. There was no defect on the premises.
8. To the extent a defect on the premises existed it was not in existence for an amount of time that Defendant had notice with time to remedy same.
9. Defendant reserves the right to amend these affirmative defenses.

PLUNKETT COONEY

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JURY DEMAND

NOW COMES Defendant, HOBBY LOBBY, INC, by and through its attorneys, Plunkett Cooney, and hereby demand a trial by jury in this matter.

PLUNKETT COONEY

BY: /s/Michael D. Weaver
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CERTIFICATE OF SERVICE

I hereby certify that on February 18, 2025, a copy of Defendant's Answer to Plaintiff's Complaint, Affirmative Defenses and Jury Demand was electronically filed and the attorney(ies) of record received notice via the State of Michigan eFile.

PLUNKETT COONEY

/s/Michael D. Weaver
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